

1 Q Mr. Lynch, I am Ann Bavender of Fletcher, Heald &
2 Hildreth, the attorneys for Monticello.

3 I would like to refer to your statement where you
4 state, do you not, "A majority of our public service
5 oriented programs is centered around Bergen County."

6 A Yes.

7 Q Is that statement, is it not at the bottom of page
8 3 and the top of page 4?

9 I would also like to refer you to MMBI Exhibit 3.

10 MS. BAVENDER: Do you have, Your Honor, a copy?

11 JUDGE STEINBERG: My copy is all marked up.

12 MS. BAVENDER: Does anybody have a copy of MMBI
13 Exhibit 3 they can --

14 MR. NAFTALIN: I do, and It's not marked up.

15 (Pause.)

16 BY MS. BAVENDER:

17 Q If you will turn to page 10 of Exhibit 3, there is
18 Bates numbers down at the bottom right hand corner of the
19 pages.

20 A Um-hmm.

21 JUDGE STEINBERG: Please try and answer yes or no
22 because it's very hard to transcribe an "um-hmm" or "ugh-
23 mum".

24 MR. NAFTALIN: If I can peer over your shoulder.

25 MS. BAVENDER: Oh, sure.

1 BY MS. BAVENDER:

2 Q This is page 10 entitled "Issues, Programs List
3 for WJUX, July - September, 1995 is it not?

4 A Yes.

5 Q Okay. And on that page do you see the Program
6 Access, Bergen County --

7 A Yes.

8 Q -- about half way down?

9 Is that an example that that programming to which
10 you were referring in your statement that was oriented
11 towards Bergen County?

12 A Yes.

13 Q And that's the one about cystic fibrosis, its
14 related health problems and gene makeup of parents who carry
15 it?

16 A That's what it says here.

17 Q Is that the one you're referring to?

18 A Yes.

19 Q I would like you also to refer to page 14, and
20 near the bottom there is Program Target New Jersey?

21 A Yes.

22 Q Is that also the type of program you were
23 referring to that was oriented towards Bergen County?

24 A Yes.

25 Q The one at the top, Medicare Cuts, and there is a

1 guest of Congressman Freeley?

2 A Yes.

3 MR. HELMICK: Your Honor, the document speaks for
4 itself. Are we going to be sitting here going through all
5 these different programs.

6 MS. BAVENDER: Well, one more; one more.

7 JUDGE STEINBERG: I suspect these are preliminary
8 questions to something.

9 MS. BAVENDER: One more.

10 BY MS. BAVENDER:

11 Q Just below that you will see a second item listed
12 also, Target New Jersey, and I assume that's also one of the
13 programs oriented towards Bergen County?

14 A Yes.

15 Q The topic being "Manifestations of the O. J.
16 Simpson Trial and Racial Issues, Justice and Buying
17 Freedom."

18 MS. BAVENDER: Actually, I did have one more. I
19 apologize.

20 BY MS. BAVENDER:

21 Q On page 15, near the bottom there is Huckensack
22 University Medical Center. I assume that also would be one
23 that is oriented to the residents of Bergen County, New
24 Jersey?

25 A Yes.

1 Q Where it talks about advances in battling
2 childhood cancer.

3 Would you say that it would be correct to say that
4 each of these programs also would address issues of concern
5 to Sullivan County also?

6 MR. HELMICK: Objection. Foundation, Your Honor.

7 JUDGE STEINBERG: I think you have to establish a
8 foundation that Mr. Lynch is familiar with the problems,
9 needs and interests of Sullivan County, and that these types
10 of programs address those problems and needs and interests.

11 BY MS. BAVENDER:

12 Q Would you say, Mr. Lynch, that these programs
13 address interest of concern to residents throughout the
14 nation?

15 A Oh, yes.

16 Q So you would think that they would address issues
17 of concern to residents of Sullivan County?

18 MR. HELMICK: Objection, Your Honor.

19 JUDGE STEINBERG: You are asking him for specific
20 familiarity with Sullivan County, and you haven't
21 established that he's got it yet.

22 MR. HELMICK: Besides, Mr. Lynch has not prepared
23 these lists. There is no -- how does he know these --

24 BY MS. BAVENDER:

25 Q These lists actually concern programming that was

1 aired during the time, Mr. Lynch, that you were employed at
2 WJUX, is that true?

3 A Some of them, yes, after 1995.

4 Q Right, right. The ones that were referred to, I
5 think, were all in '95.

6 A Um-hmm.

7 Q From July '95 and '96.

8 A Correct.

9 Q And are you familiar with these particular
10 programs, I mean, such as those we have spoken about here,
11 Program Target New Jersey and --

12 A Yes.

13 Q And these particular topics, I mean, they are
14 familiar, they are the types that deal with --

15 A I may not listen to them all, but they are vaguely
16 familiar, yes.

17 MS. FRIEDMAN: I object, Your Honor. There is no
18 foundation for this witness saying that he listened to these
19 programs, or that he was in any way familiar with them.

20 JUDGE STEINBERG: Well, he said that these are the
21 types of programs that were examples of programs that he
22 termed -- let me see, on page 3 and 4 of his statement as
23 "Public service oriented programming is centered around
24 Bergen Count."

25 Now, if you want to test on recross examination

1 what his familiarity with these individual programs are, you
2 can certainly do that, and it might turn out, you know, that
3 these -- yes, in his opinion, these are centered around
4 Bergen County, but he might not have heard them, so how does
5 he know they are centered around if he hasn't heard them.

6 MR. HELMICK: Your Honor, we wouldn't object so
7 much to that. But to the extent they go beyond Bergen
8 County --

9 JUDGE STEINBERG: Well, I have already sustained
10 that objection where you have to lay the foundation that
11 he's familiar with what's -- with Sullivan County and what's
12 of interest to the people in Sullivan County.

13 MR. ARONOWITZ: Doesn't that --

14 JUDGE STEINBERG: One person, one person from the
15 Bureau, one person -- well, there is only one person from
16 Universal -- per witness.

17 MS. BAVENDER: Mr. Lynch has testified, has he
18 not, that these issues are ones that he would feel would be
19 of interest to residents of communities -- counties
20 throughout the United States

21 THE WITNESS: Yes.

22 BY MS. BAVENDER:

23 Q Being of a general nature.

24 A Yes.

25 Q That all persons would be familiar with. And they

1 would not necessarily be specifically oriented towards the
2 residents of Bergen County?

3 A Correct.

4 Q And yet those are examples of the type of program
5 which your statement says are oriented towards the residents
6 of Bergen County?

7 A Correct.

8 Q So you would include within that, when you said
9 the majority of the programming, "Our public service
10 programming is centered around Bergen County," you intended
11 to include programming which was oriented to citizens
12 throughout the country?

13 A Correct.

14 Q That would be of interest to people everywhere?

15 A Generic national interests that includes every
16 county.

17 Q It could well be of interest to people in other
18 counties?

19 A Sure.

20 MS. BAVENDER: That's all, Your Honor.

21 JUDGE STEINBERG: Recross?

22 MS. FRIEDMAN: Your Honor, we would like just a
23 few minutes off the record.

24 JUDGE STEINBERG: Okay

25 (Whereupon, a recess was taken.)

1 JUDGE STEINBERG: We'll go back on the record.
2 I think Mr. Naftalin will have one question on
3 redirect.

4 REDIRECT EXAMINATION

5 BY MR. NAFTALIN:

6 Q Mr. Lynch, when did you start working at Jukebox
7 Radio?

8 A July of 1995.

9 Q Do you remember where in the month of July of
10 1995?

11 A July -- officially on the air, July the 4th.

12 MR. NAFTALIN: Thank you.

13 THE WITNESS: You're welcome.

14 JUDGE STEINBERG: Ms. Friedman, recross?

15 MS. FRIEDMAN: Yes.

16 RECROSS EXAMINATION

17 BY MS. FRIEDMAN:

18 Q Mr. Lynch, you have in your statement that you are
19 an on-air talent; is that correct?

20 A Yes.

21 Q Do you have any experience evaluating public
22 affairs programs?

23 A Yes.

24 Q Could you --

25 A In previous radio stations, I was program

1 director, as I am at this station, so I am familiar with
2 what goes on the air.

3 Q But are you familiar at Jukebox Radio?

4 A I'm familiar that we carry the programs, yes.

5 Q Do you listen to the programs on a regular basis?

6 A I have heard them on occasion.

7 Q On occasion?

8 A Um-hmm.

9 Q Could you be more specific?

10 A I have heard some of the programs, but not all the
11 programs.

12 Q So would it be correct to say you listen from time
13 to time on an irregular basis?

14 A Yes.

15 Q Now, the specific ones that you've testified to,
16 have you listened to those?

17 JUDGE STEINBERG: Take them one at a time.

18 THE WITNESS: Yes, why don't you take them one at
19 a time. That's a good idea.

20 JUDGE STEINBERG: The first one was page 10,
21 Access Bergen County; cystic fibrosis, I believe.

22 BY MS. FRIEDMAN:

23 Q Did you listen to the program called Access Bergen
24 County that was aired on July 16 1995?

25 A I don't recall that one. I don't recall listening

1 to that one.

2 Q Did you listen to the program that was aired on
3 October 15, 1995, Target New Jersey; topic, Manifestations
4 of the O. J. Simpson Trial?

5 A I know that we carried it, but I didn't listen to
6 it.

7 Q You didn't listen to that one either?

8 A Right.

9 Q Okay. Do you ever perform evaluations of specific
10 community needs and interests?

11 A Rephrase your -- I mean, I --

12 Q Do you ever make evaluations of the specific
13 community needs and interests in Bergen County?

14 A I am aware of them, and, yes.

15 Q But do you ever actively go out and ascertain
16 these interests?

17 A Yes.

18 Q What about in Sullivan County, New York?

19 A Yes.

20 Q If your testimony is that these programs address
21 the needs in Sullivan County communities, would these
22 programs also be of interest to the general public?

23 A Yes.

24 Q Regardless of where they live. So your testimony
25 is that it's not specific to Sullivan County. It's

1 something that anyone anywhere might be interested in, their
2 general topics?

3 A Depending on the topic of the program.

4 Q And the same question, would these programs be of
5 any particular interest to those living in Bergen County?

6 A I would say some of them were, depending on the
7 topic again. I guess that's personal taste.

8 Q Well, could you tell me, for example, the program
9 aired on October 15, 1995, about the O. J. Simpson trial,
10 are you saying that the people in Bergen County might be
11 more interested than the people in Monticello?

12 A No, I didn't say that. Again, it would depend on
13 the personal interest of someone who is interested in the
14 trial and wanted to listen to that. I can't determine that,
15 you know.

16 MS. FRIEDMAN: Okay, I have no further questions.

17 JUDGE STEINBERG: Mr. Helmick?

18 MR. HELMICK: None, Your Honor.

19 JUDGE STEINBERG: Ms. Bavender?

20 MS. BAVENDER: None.

21 JUDGE STEINBERG: Let me ask you, on page 2 of
22 your statement, about the third of the way up from the
23 bottom where you say, "I have no knowledge if there is any
24 way," have you got that?

25 THE WITNESS: Yes.

1 JUDGE STEINBERG: Okay, there might be a way, but
2 you just don't know; is that correct?

3 THE WITNESS: There is a way to do it, but I have
4 never witnessed or done it myself.

5 JUDGE STEINBERG: But you do have some knowledge?

6 THE WITNESS: Yes.

7 JUDGE STEINBERG: But you just don't -- but you
8 don't know about how to do it yourself?

9 THE WITNESS: Right.

10 MR. ARONOWITZ: What is Your Honor referring to?

11 JUDGE STEINBERG: What?

12 MR. ARONOWITZ: What is Your Honor referring to?

13 JUDGE STEINBERG: Ms. Friedman will tell you.

14 Next paragraph, "In addition, I remember two more
15 times when we had trouble."

16 THE WITNESS: Um-hmm.

17 JUDGE STEINBERG: Although you didn't -- did you
18 remember those of your own memory?

19 THE WITNESS: Yes. I wasn't sure exactly the
20 date, but I do remember the incidents.

21 JUDGE STEINBERG: So did anybody help you remember
22 these two additional times?

23 THE WITNESS: No.

24 JUDGE STEINBERG: Now, you talk about -- at the
25 top of page 3, "The other problem I remember is when

1 lightening struck the Pomona translator and the Fort Lee
2 translator."

3 Do you remember when that happened?

4 THE WITNESS: Yes, I do.

5 JUDGE STEINBERG: When was that?

6 THE WITNESS: I'm trying to think of the exact
7 date. All I remember is going to Pomona, it was my first
8 experience seeing the operation kind of first hand, and it
9 was raining. I would be guessing if I tried to give you an
10 exact time because there were a number of instances where we
11 did go off. To really give a specific date would be
12 guessing on my part.

13 JUDGE STEINBERG: It was after July '95, though?

14 THE WITNESS: Yes, it was, definitely. Oh, yes,
15 it was last year. It was 1996.

16 JUDGE STEINBERG: Okay Just in that general --

17 THE WITNESS: Yes.

18 JUDGE STEINBERG: Do you remember any occasions
19 when lightening hit -- may have hit the tower in Monticello?

20 THE WITNESS: That I don't recall.

21 JUDGE STEINBERG: Now, going further down on page
22 3, you've never been instructed just to raising or lowering
23 the power remotely of the transmitters at Fort Lee and
24 Monticello.

25 Again, there might be a way, but you just don't

1 know about it?

2 THE WITNESS: As far as I know, there isn't a way.

3 JUDGE STEINBERG: There is not a way?

4 THE WITNESS: No.

5 JUDGE STEINBERG: So if somebody has to raise the
6 power or lower the power of the Fort Lee translator, they
7 have to go the translator and do it at the premises of the
8 translator?

9 THE WITNESS: I don't really know. To be honest
10 with you, I don't know.

11 JUDGE STEINBERG: And the same thing with
12 Monticello, in order to raise or lower the power at
13 Monticello, Monticello station, somebody would have to go to
14 the Monticello transmitter and actually physically do
15 something?

16 THE WITNESS: I would assume. It would have to be
17 outside the studios of Dumont.

18 JUDGE STEINBERG: The last sentence in that
19 paragraph, you're talking about the meters, the meters; that
20 if somebody wanted to find out, to the best of your
21 knowledge, as to what the Fort Lee transmitter was doing
22 from a metering standpoint, someone would have to go to the
23 Fort Lee transmitters and read the transmitters there, and
24 that there was no way to get those readings in Dumont?

25 THE WITNESS: Correct.

1 JUDGE STEINBERG: In the next paragraph, explain
2 what you mean by the "slight audio delay between live audio
3 heard in the studio over the headphones and the audio which
4 comes in over the air"?

5 THE WITNESS: There is about a three-quarter to
6 maybe to a second delay from what comes -- by the time we
7 get it back to us on the phone line as to what's coming out
8 of the studio. You get a slight delay.

9 JUDGE STEINBERG: Okay what phone line?

10 THE WITNESS: Where we get our signal from, the
11 WJUX in Monticello.

12 JUDGE STEINBERG: Okay you get your signal from
13 WJUX in Monticello on a phone line?

14 THE WITNESS: We originate the programming from
15 the studios in Dumont. Then it's sent back by telephone
16 line.

17 JUDGE STEINBERG: Okay Sent back where?

18 THE WITNESS: To WJUX in Monticello.

19 JUDGE STEINBERG: I am confused.

20 THE WITNESS: Okay.

21 JUDGE STEINBERG: Okay you are producing
22 programming in Dumont?

23 THE WITNESS: Right.

24 JUDGE STEINBERG: And it gets to Monticello
25 through magic, and through magic it gets back to Fort Lee.

1 Now, where does the phone line come in?

2 THE WITNESS: My understanding, it's a phone line
3 from the studios in Dumont to Monticello is how our signal
4 is brought down.

5 JUDGE STEINBERG: Okay

6 THE WITNESS: Then it meets the translators and
7 that's how --

8 JUDGE STEINBERG: And then how about a phone line
9 back from WJUX back to Dumont?

10 THE WITNESS: That I'm not sure.

11 JUDGE STEINBERG: Did anybody ever tell you that
12 there was a phone line coming into the studios at Dumont?

13 THE WITNESS: No.

14 JUDGE STEINBERG: Okay, getting back to the slight
15 audio delay. You are in the on-air room?

16 THE WITNESS: Right.

17 JUDGE STEINBERG: And you're talking about head
18 phones plugged into the board.

19 THE WITNESS: Um-hmm.

20 JUDGE STEINBERG: So you've got headphones plugged
21 into the board and you got the headphones on your head?

22 THE WITNESS: Right

23 JUDGE STEINBERG: And are you hearing what you're
24 speaking into the microphone as you are speaking it on the
25 headphones?

1 THE WITNESS: I believe I'm hearing the
2 programming what is going over the air at that time.

3 JUDGE STEINBERG: Then are there also speakers in
4 the on-air room?

5 THE WITNESS: Um-hmm.

6 JUDGE STEINBERG: Also playing the programming?

7 THE WITNESS: Yes.

8 JUDGE STEINBERG: Then where are those speakers
9 getting their feeds from?

10 THE WITNESS: From the studios.

11 JUDGE STEINBERG: Okay, so what you are hearing on
12 the headphones is what's actually going out on the air?

13 THE WITNESS: Right.

14 JUDGE STEINBERG: And what's coming in on the
15 speakers, are they on the wall or on the floor?

16 THE WITNESS: On the wall.

17 JUDGE STEINBERG: On the wall, is what you are
18 saying?

19 THE WITNESS: Right. Correct.

20 JUDGE STEINBERG: So that you're speaking into the
21 microphone, and then a fraction of a second later you are
22 hearing your own words?

23 THE WITNESS: Correct

24 JUDGE STEINBERG: Okay. And you are also hearing
25 your own words on the speakers on the wall?

1 THE WITNESS: Well, when the microphone is on it
2 mutes the speakers on the wall, so I'm not hearing what's
3 coming out of there.

4 JUDGE STEINBERG: Oh, okay. So there is a switch
5 somewhere.

6 THE WITNESS: Right, when the microphone is turned
7 on.

8 JUDGE STEINBERG: Then you turn the microphone
9 switch on, and that turns the headphones on.

10 THE WITNESS: Correct.

11 JUDGE STEINBERG: And so you're hearing on the
12 headphones what the words you're speaking, but a fraction of
13 a second later?

14 THE WITNESS: Correct.

15 JUDGE STEINBERG: And when the microphone is
16 turned on, the speakers on the wall are muted?

17 THE WITNESS: Correct.

18 JUDGE STEINBERG: What would happen if they
19 weren't muted?

20 THE WITNESS: There would be feedback. I mean,
21 I'm assuming there would be feedback and it wouldn't be
22 airable.

23 JUDGE STEINBERG: Okay, where were we? We had
24 redirect and then we had recross. And then does anybody
25 have any questions premised on my questioning.

1 Ms. Friedman?

2 MS. FRIEDMAN: No, Your Honor.

3 JUDGE STEINBERG: Mr. Helmick?

4 MR. HELMICK: No, Your Honor.

5 JUDGE STEINBERG: Mr. Naftalin?

6 MR. NAFTALIN: No, Your Honor.

7 JUDGE STEINBERG: Ms. Bavender?

8 MS. BAVENDER: No, Your Honor.

9 JUDGE STEINBERG: Okay, you are excused. Thank
10 you so much for coming and testifying.

11 THE WITNESS: Thank you.

12 JUDGE STEINBERG: I appreciate it.

13 THE WITNESS: You're welcome.

14 JUDGE STEINBERG: And let me instruct you not to
15 talk about your testimony to anybody until -- you can talk
16 to Mr. Naftalin about it, but don't talk to anybody that
17 might be a witness. If you are married, don't talk to your
18 wife, or anybody else about it, especially anybody down at
19 the station because there is a remote possibility that you
20 may be asked more questions, and we want to get the best of
21 your recollection, not what somebody might have told you.

22 THE WITNESS: Okay.

23 JUDGE STEINBERG: Somebody should call you and
24 tell you when it's okay to talk again, where you can go some
25 place and have a good laugh.

1 Okay, thank you again.

2 THE WITNESS: Thank you.

3 JUDGE STEINBERG: Appreciate it.

4 (Witness excused.)

5 JUDGE STEINBERG: We will go off the record.

6 (Whereupon, a recess was taken.)

7 JUDGE STEINBERG: Let's go back on the record.

8 Okay, the next witness is Chuck Garland, and he's
9 in the witness chair, and if you would raise your right
10 hand, please?

11 Whereupon,

12 CHARLES J. GARLAND

13 having been first duly sworn, was called as a witness herein
14 and was examined and testified as follows:

15 JUDGE STEINBERG: Please state your name and
16 address for the record.

17 THE WITNESS: Okay Charles James Garland. 17
18 Indian Trail, Randolph, New Jersey.

19 JUDGE STEINBERG: Okay Is Mr. Garland available
20 for cross-examination?

21 MR. NAFTALIN: Your Honor, Mr. Garland is
22 available for cross-examination upon the contents of Turro
23 Exhibit No. 6.

24 JUDGE STEINBERG: Okay, and who is going to be
25 doing the cross?

1 MR. ARONOWITZ: I will, Your Honor.

2 JUDGE STEINBERG: Okay. Mr. Aronowitz.

3 CROSS-EXAMINATION

4 BY MR. ARONOWITZ:

5 Q Hi, Mr. Garland. My name is Alan Aronowitz. We
6 met briefly before.

7 A Yes.

8 Q I am one of the co-counsel for the Federal
9 Communications Commission. We should probably have this all
10 written down to give you your rights, but if you want to
11 stop anytime or if you want anything clarified, whatever,
12 please don't hesitate to ask.

13 A Thank you.

14 Q I should have it down better than that, but that's
15 pretty much it.

16 A All right.

17 Q I see that -- do you have a copy of your exhibit
18 in front of you?

19 JUDGE STEINBERG: Yes, he does.

20 MR. ARONOWITZ: Okay, great.

21 BY MR. ARONOWITZ:

22 Q I'm looking at paragraph two where you say that
23 you have been employed as part-time on-air talent at Jukebox
24 Radio since September '94.

25 Are you still there in that capacity?

1 A Yes, I am.

2 Q So this part-time employment has been continuous
3 since September '94?

4 A Yes, it has.

5 Q Going on to the next sentence, it says, "I have
6 read the statement of Vincent D. Luna dated 10-22-97."

7 Is that correct, sir?

8 A That is correct.

9 Q And do you know who provided you a copy of that
10 statement?

11 A It was presented to me at the station.

12 Q By?

13 A By Mr. Turro.

14 Q Okay. Do you happen to know offhand where he got
15 it?

16 A No. I'm sorry. Thank you.

17 Q Are your answers contained in this statement based
18 on your reading of Mr. Luna's statement?

19 A Yes, they are.

20 Q Okay. You next state that, "I have no
21 recollection of the Monticello off-air incident in Mr.
22 Luna's statement."

23 Is that correct?

24 A That is correct.

25 Q Is it that you don't remember or -- is it that you

1 have no recollection or are you saying that that event did
2 not happen?

3 A Let me make sure I understand your question. The
4 event -- if you could repeat the question, I would
5 appreciate it.

6 Q Well, you said, "I have no recollection of the
7 Monticello off-air incident that Mr. Luna refers to in his
8 statement."

9 JUDGE STEINBERG: Why don't we establish what
10 incident he's referring to from Mr. Luna's statement so that
11 we have a specific page and line of Mr. Luna's statement?

12 MR. ARONOWITZ: Well, I would like to ask first --

13 JUDGE STEINBERG: Okay

14 MR. ARONOWITZ: -- if Mr. Garland has any
15 independent knowledge at this time of the off-air incident
16 referred to in his statement.

17 THE WITNESS: No, I do not.

18 MR. ARONOWITZ: Okay.

19 BY MR. ARONOWITZ:

20 Q Do you have all of the exhibits?

21 JUDGE STEINBERG: No, he's just got Turro
22 exhibits.

23 MR. NAFTALIN: I have one copy of it. I wrote MMB
24 No. 14. Other than that, it's not marked up.

25 MR. ARONOWITZ: Why don't you show it to him.

1 MR. NAFTALIN: Your Honor, you can see it's been
2 marked just with that.

3 JUDGE STEINBERG: Thank you.

4 THE WITNESS: Thank you.

5 BY MR. ARONOWITZ:

6 Q And I would ask you to read that statement.

7 JUDGE STEINBERG: You know, just tell us what --
8 in paragraph two you said, "I have read the statement of
9 Vincent D."

10 And first, I would like to know is that the
11 statement which you read?

12 THE WITNESS: Yes, it is.

13 JUDGE STEINBERG: Then in the next sentence you
14 say, talk about an incident that Mr. Luna refers to in his
15 statement. Tell us the page number and paragraph number in
16 Mr. Luna's statement to which you are referring in your
17 statement.

18 THE WITNESS: It would be statement number nine
19 and it would be page 4 that I'm referring to.

20 JUDGE STEINBERG: That's on page 232.

21 THE WITNESS: Um-hmm.

22 BY MR. ARONOWITZ:

23 Q Oh, so --

24 A I had referred to a statement in a later
25 paragraph, I wanted to make sure I was answering your

1 incident of off the air.

2 JUDGE STEINBERG: Okay no, I'm talking about in
3 your statement --

4 THE WITNESS: The answer would be yes to the
5 original question.

6 JUDGE STEINBERG: Okay. I don't even know what the
7 original question was. But look at paragraph three of your
8 statement.

9 THE WITNESS: Um-hmm.

10 JUDGE STEINBERG: Okay. and it says, "The off-air
11 incident that Mr. Luna refers to in his statement," and
12 you're talking about flashing strobe lights, calls for
13 listeners.

14 Where is that in Mr. Luna's statement?

15 THE WITNESS: Mr. Luna refers to it -- I have it
16 as item number nine. I have it on page 4.

17 JUDGE STEINBERG: Okay

18 THE WITNESS: The paragraph begins with, "On
19 another occasion."

20 JUDGE STEINBERG: Oh, okay. I'm sorry.

21 So that's specifically what you are addressing in
22 your paragraph three?

23 THE WITNESS: Yes, it is.

24 MR. ARONOWITZ: Okay.

25 BY MR. ARONOWITZ: